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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,285	09/29/2003	Wu Chou	503028-A-01-US (Chou)	3117

47702 7590 04/03/2007  
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EXAMINER

SMITHERS, MATTHEW

ART UNIT	PAPER NUMBER
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2137

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/03/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

**Application No.**

10/674,285

**Applicant(s)**

CHOU ET AL.

**Examiner**

Matthew B. Smithers

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 1/9/04; 2/17/05.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

The information disclosure statements filed January 9, 2004 and February 17, 2005 have been placed in the application file and the information referred to therein has been considered as to the merits.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,3,4,6-9 and 16-20 are rejected under 35 U.S.C. 102(b) as being anticipated by US 6,230,205 granted to Garrity et al.

Regarding claim 1, Garrity meets the claimed limitations as follows:

“A wireless communication system, comprising: one or more wireless communication devices; at least one application server for delivering content to said one or more wireless communication devices; and an application layer broker between said one or more wireless communication devices and said at least one application server, wherein said application layer broker provides an indirect coupling between said at least one application server and said one or

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more wireless communication devices." see column 6, lines 4-26; column 7, lines 9-65; column 12, line 48 to column 14, line 15 and Figures 1, 4, 9 and 10.

Regarding claim 3, Garrity meets the claimed limitations as follows:

"The wireless communication system of claim 1, wherein communications between said application server and said application layer broker are initiated only by said application server." see column 14, lines 43-67 and Figure 12.

Regarding claim 4, Garrity meets the claimed limitations as follows:

"The wireless communication system of claim 1, wherein said application layer broker links said one or more wireless communication devices to said application server through an event triggered content delivery mechanism." see column 13, line 32 to column 14, line 67 and Figures 10 and 12.

Regarding claim 6, Garrity meets the claimed limitations as follows:

"The wireless communication system of claim 4, wherein said event triggered content delivery mechanism temporarily stores collected device information in a queue to be obtained by said application server." see column 13, line 32 to column 14, line 67 and Figures 10 and 12.

Regarding claim 7, Garrity meets the claimed limitations as follows:

"The method of claim 6, wherein said application server performs a query to obtain said collected device information." see column 13, line 32 to column 14, line 67 and Figures 10 and 12.

Regarding claim 8, Garrity meets the claimed limitations as follows:

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"The wireless communication system of claim 1, wherein said application layer broker provides adaptation to a plurality of said wireless communication devices."

see column 11, line 60 to column 12, line 65 and Figure 8.

Regarding claim 9, Garrity meets the claimed limitations as follows:

"The wireless communication system of claim 8, wherein said adaptation to a plurality of said wireless communication devices is performed by dynamically binding a device capability query with a generation and presentation of said content." see column 11, line 60 to column 12, line 65 and Figure 8.

Regarding claim 16, Garrity meets the claimed limitations as follows:

"A method performed by an application layer broker for delivering content to a wireless device from an application server, comprising: receiving a request from a user associated with said wireless device for said content; providing said request to said application server; receiving said content from said application server; encoding said content with authentication information so that said content may only be accessed by said wireless device; and providing said encoded content for access by said wireless device." see column 6, lines 4-26; column 7, lines 9-65; column 8, lines 20-53; column 12, line 48 to column 14, line 15 and Figures 1, 4, 9 and 10.

Regarding claim 17, Garrity meets the claimed limitations as follows:

"The method of claim 16, wherein said application server pushes said service to said application layer broker through a secure service delivery mechanism." see column 6, lines 4-26; column 7, lines 9-65; and column 9, lines 20-43.

Regarding claim 18, Garrity meets the claimed limitations as follows:

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"The method of claims 16, further comprising the step of temporarily placing said content in a queue for delivery to said wireless device, wherein said content is fetched from said queue for delivery to said wireless device." see column 13, lines 11-31.

Regarding claim 19, Garrity meets the claimed limitations as follows:

"The method of claim 16, wherein said application layer broker provides adaptation to a plurality of said wireless communication devices." see column 11, line 60 to column 12, line 65 and Figure 8.

Regarding claim 20, Garrity meets the claimed limitations as follows:

"The method of claim 19, wherein said adaptation to a plurality of said wireless communication devices is performed by dynamically binding a device capability query with a generation and presentation of said content." see column 11, line 60 to column 12, line 65 and Figure 8.

Claims 1,2,8,9 and 16-20 are rejected under 35 U.S.C. 102(b) as being anticipated by US 6,292,827 granted to Raz.

Regarding claim 1, Raz meets the claimed limitations as follows:

"A wireless communication system, comprising: one or more wireless communication devices; at least one application server for delivering content to said one or more wireless communication devices; and an application layer broker between said one or more wireless communication devices and said at least one application server, wherein said application layer broker provides an

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indirect coupling between said at least one application server and said one or more wireless communication devices." see column 3, lines 27-57; column 4, lines 7-13; column 8, lines 22-65; column 11, lines 23-64 and Figures 1, 10 and 11.

Regarding claim 2, Raz meets the claimed limitations as follows:

"The wireless communication system of claim 1, wherein said at least one application server is protected by a firewall and said one or more wireless communication devices are outside of said firewall." see column 11, lines 52-64.

Regarding claim 8, Raz meets the claimed limitations as follows:

"The wireless communication system of claim 1, wherein said application layer broker provides adaptation to a plurality of said wireless communication devices." see column 11, lines 23-64 and column 14, lines 30-49.

Regarding claim 9, Raz meets the claimed limitations as follows:

"The wireless communication system of claim 8, wherein said adaptation to a plurality of said wireless communication devices is performed by dynamically binding a device capability query with a generation and presentation of said content." see column 11, lines 23-64 and column 14, lines 30-49.

Regarding claim 16, Raz meets the claimed limitations as follows:

"A method performed by an application layer broker for delivering content to a wireless device from an application server, comprising: receiving a request from a user associated with said wireless device for said content; providing said request to said application server; receiving said content from said application server; encoding said content with authentication information so that said content

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may only be accessed by said wireless device; and providing said encoded content for access by said wireless device.” see column 3, lines 27-57; column 4, lines 7-13; column 8, lines 22-65; column 11, lines 23-64 and Figures 1, 10 and 11.

Regarding claim 17, Raz meets the claimed limitations as follows:

“The method of claim 16, wherein said application server pushes said service to said application layer broker through a secure service delivery mechanism.” see column 3, lines 27-57; column 4, lines 7-13; column 8, lines 22-65; and column 11, lines 23-64.

Regarding claim 18, Raz meets the claimed limitations as follows:

“The method of claims 16, further comprising the step of temporarily placing said content in a queue for delivery to said wireless device, wherein said content is fetched from said queue for delivery to said wireless device.” see column 3, lines 27-57; column 4, lines 7-13; column 8, lines 22-65; and column 11, lines 23-64.

Regarding claim 19, Raz meets the claimed limitations as follows:

“The method of claim 16, wherein said application layer broker provides adaptation to a plurality of said wireless communication devices.” see column 11, lines 23-64 and column 14, lines 30-49.

Regarding claim 20, Raz meets the claimed limitations as follows:

“The method of claim 19, wherein said adaptation to a plurality of said wireless communication devices is performed by dynamically binding a device capability query with a generation and presentation of said content.” see column 11, lines 23-64 and column 14, lines 30-49.



(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 10-14 are rejected under 35 U.S.C. 102(e) as being anticipated by US 20020090934 granted to Mitchelmore.

Regarding claim 10, Mitchelmore meets the claimed limitations as follows:

"A wireless communication system for providing content from an application server to a wireless communication device, comprising: an application layer broker between said wireless communication device and said one application server, wherein said application layer broker provides separate channels for a registration of said wireless communication device and a delivery of said content to said wireless communication device." see paragraphs [0051]; [0055]; [0063]-[0065]; [0083]-[0084]; [0116]-[0119] and Figure 18, elements 1835 and 1840.

Regarding claim 11, Mitchelmore meets the claimed limitations as follows:

"The wireless communication system of claim 10, wherein said application layer broker links said one or more wireless communication devices to said application server through an event triggered content delivery mechanism." see paragraphs [0051]; [0055]; [0063]-[0065]; [0084]; [0116]-[0119] and Figure 18, elements 1835 and 1840.

Regarding claim 10, Mitchelmore meets the claimed limitations as follows:

"The wireless communication system of claim 11, wherein said event triggered content delivery mechanism allows said application layer broker to provide

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separate channels for a registration of said wireless communication device and a delivery of said content to said wireless communication device." see paragraph [0055].

Regarding claim 13, Mitchelmore meets the claimed limitations as follows:

"The wireless communication system of claim 11, wherein said event triggered content delivery mechanism temporarily stores collected device information in a queue to be obtained by said application server." see paragraph [0081].

Regarding claim 14, Mitchelmore meets the claimed limitations as follows:

"The wireless communication system of claim 13, wherein said application server performs a query to obtain said collected device information." see paragraphs [0081] and [0186].

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 20020090934 granted to Mitchelmore and further in view of US 6,952,578 granted to Raz.

Regarding claim 15, Mitchelmore discloses everything claimed as applied above (see claim 10), however Mitchelmore fails to specifically teach the at least

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one application server is protected by a firewall and said one or more wireless communication devices are outside of said firewall. Raz teaches a system for delivering content from a server to a requesting client where the server is protected by a firewall (see Column 11, lines 52-55). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the use of Raz's dynamic information transfer system with Mitchelmore's content delivery managements system in order to provide secure transmissions of data between the requesting device and a content server. One of ordinary skill in the art would have been motivated to combine the two for the purpose of securely controlling access in and out of the system (see Raz; column 11, lines 60-64).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A. Mamas (US 20040254993) discloses a wireless messaging service using a messaging broker to transmit content between a provider and a subscriber.

B. Risan et al (US 20040103297) discloses a method for controlling deliverable electronic media.

C. Knightbridge et al (US 20040019900) discloses a system for distributing content to a subscriber.

D. Sorsa (US 20030156591) discloses a wireless system for accessing shared data services.

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E. Meffert et al (US 20030037261) discloses a secure content delivery system and method.

F. Hutcheson et al (US 20030032409) discloses a system for distributing content over a wireless communications system.


G. Cohn et al (US 20020065074) discloses a system for playback of multimedia content on mobile devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew B. Smithers whose telephone number is (571) 272-3876. The examiner can normally be reached on Monday-Friday (8:00-4:30) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel L. Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Matthew B Smithers  
Primary Examiner  
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